

Applicants traverse the rejection. The Examiner's premise that claim 1 of the '395 patent is simply a species of claim 151 is in error. Claim 151 recites a "biological fluid." In contrast, claim 1 of the '395 patent recites a "biological sample." A biological sample is not simply a species of a biological fluid. Thus, claim 1 does not simply represent a species of claim 151.

The Examiner's response to applicant's arguments on page 4 of the Office Action does not cite any evidentiary support for the Examiner's position. If the Examiner is relying on his own personal knowledge, applicants request that the Examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 C.F.R. 1.104(d)(2). In the absence of any evidence to support the Examiner's conclusions, applicants respectfully request withdrawal of the rejection.

Applicants respectfully submit that this application is in condition for allowance. In the event that the Examiner disagrees, he is invited to call the undersigned to discuss any outstanding issues remaining in this application in order to expedite prosecution.

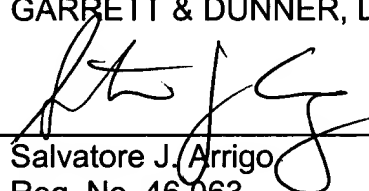
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 9, 2006

By: _____


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